

THE UNITED STATES AND THE GORGAS MEMORIAL INSTITUTE OF TROPICAL
AND PREVENTIVE MEDICINE. AND THE GORGAS MEMORIAL LABORATORY

1. The Gorgas Memorial Institute of Tropical and Preventive Medicine

The Gorgas Memorial Institute of Tropical and Preventive Medicine is a private agency incorporated in Delaware. The Institute may well be unique in that the majority of the incorporators were officials of a foreign government and of the United States. Among them were the President of Panama, the President of the National Board of Health of Panama, and the Surgeons General of the United States Army, Navy, and Public Health Service. The Director General of the Pan American Union was also among the nine incorporators.

The initiative for the creation of the Gorgas Memorial Institute came from President Belisario Porras of Panama in 1920, only a few months after the death of Gorgas. The President of Panama envisaged the Gorgas Memorial as a medical research center associated with the Santo Tomás Hospital in which the nations of the Americas would commemorate the pioneer sanitary work of General Gorgas in Cuba and Panama by cooperating in studies leading to the solution of their common disease problems.

In reply to a personal letter from President Porras asking the Surgeon General of the United States Navy to cooperate in the organization of an Institute of Tropical Medicine in Panama to be named for the late Surgeon General W. C. Gorgas of the United States Army, Admiral Braisted had written:

"...the study of tropical medicine is of vital importance to the people of America and should be undertaken by the scientists of the various republics of this continent not only with a view to saving human life...but also as an indirect means of increasing the harmony and mutual esteem which should prevail among us."

The Surgeon General had proposed also that the Chargé d'Affaires of Panama sound out the Department of State, the Pan American Union, and the Foreign Relations Committee of the Senate regarding government aid to the Gorgas Memorial.

Nothing is known of any approach to the United States Government at that time looking towards U.S. support of the Gorgas Memorial Institute. Instead, plans were made to raise an endowment fund of 5,000,000.00 dollars by public subscription to finance the work of the Institute.

2. The Gorgas Memorial Laboratory

The Gorgas Memorial Laboratory is a research laboratory operated by the Gorgas Memorial Institute of Tropical and Preventive Medicine with resources made available by the governments of the Republic of Panama and of the United States, and by other agencies.

Following the incorporation of the Gorgas Memorial Institute in 1921 in the United States, under the laws of the State of Delaware, its charter was registered and legalized in the Republic of Panama. In 1923, the Republic of Panama purchased land for the Gorgas Memorial Laboratory adjacent to that of the Santo Tomás Hospital; this site was officially dedicated in February 1923 by the President of Panama for the Gorgas Memorial Laboratory, and a marker placed commemorating the act.

The attempt to raise an adequate endowment by public subscription failed; in 1928, Representative Maurice H. Thatcher of Kentucky, a member of the Isthmian Canal Commission during the construction period and later Governor of the Canal Zone, introduced a bill (HR 8128) to authorize a permanent annual appropriation for support of the projected Gorgas Memorial Laboratory on the Isthmus of Panama. After due action by the House and the

Senate, HR 8128 became Public Law No. 350 (70th Congress) by signature of President Calvin Coolidge on May 7, 1928.

Purposes

The Committee on Foreign Affairs, in reporting to the Committee of the whole House (House Report No. 706, 70th Congress, 1st Session), gave the twofold purposes of the measure as:

"First, to authorize as the contribution of the United States Government thereto a permanent annual appropriation of 50,000 dollars for the maintenance and operation of the Gorgas Memorial Laboratory, on the Isthmus of Panama; and, second, to memorialize in a vital and effective way the name of General William Crawford Gorgas, who wrought such miracles of sanitation in Cuba and on the Isthmus."

3. The International Nature of the Gorgas Memorial Laboratory

From the beginning in 1921, the Gorgas Memorial Laboratory was planned as an international venture. At the first meeting of the Provisional Committee, the President of Panama was declared President and Founder of the Provisional Board of Directors of the Gorgas Memorial Institute; at the second meeting, the Ambassador of Peru and the Ministers of Cuba and Ecuador were made Honorary Members of the Memorial; and at the fourth meeting the Ambassador of Peru, the Ministers of Cuba and Venezuela, and the Chargé d'Affaires of Argentina were present.

After incorporation of the Gorgas Memorial Institute, an approach was made to the Latin American governments through diplomatic channels and through personal visits to the Presidents of several countries. Promising relations were established which could not be developed at the time because of the failure to secure funds in the United States.

The commitment of Panama to furnish a site and a building for the Gorgas Memorial Laboratory and the favorable reactions of other nations were reported to the Congress in the hearings on HR 8128.

The authorization for a permanent annual contribution to the Gorgas Memorial Institute for the maintenance and operation of the Gorgas Memorial Laboratory was conditional to the construction of the Laboratory building within the next five years, on the site offered by the Republic of Panama, or on a site in the Canal Zone to be provided by the United States. This stipulation was promptly met by the Republic of Panama which deeded to the Gorgas Memorial Institute, in perpetuity, so long as it be used as a research laboratory, the site and building in which the Gorgas Memorial Laboratory has operated since 1929. In 1963 an additional building, financed by the United States Government, was constructed on the same site.

The Gorgas Memorial Laboratory was further recognized as an international effort by Congress in providing that each of the Latin American governments be invited and permitted to contribute to its maintenance and operation; each contributing Latin American nation was to be represented on the Directing Council of the Gorgas Memorial Laboratory in proportion to its contribution. Inadvertently, this proviso limited the total Latin American representation to 43 per cent, since the Latin American financial contribution was limited by the same act to 75 per cent of the United States contribution.

In emphasizing the quasi-official nature of the Gorgas Memorial Laboratory, the Congress established permanent United States representation on the Directing Council "in such manner as the President may determine." (President Hoover declared on December 1, 1930 his satisfaction with the representation of the United States by the Surgeons General of the Army, the Navy, and the Public Health Service; today's By-Laws provide also for representation by the Surgeon General of the Air Force.)

The Congress also requires a full annual report to it by the Gorgas Memorial Institute on the operation and the work of the Gorgas Memorial Laboratory; the Comptroller General of the United States audits the accounts of the Gorgas Memorial Laboratory.

Thus, the United States Congress, while providing for the participation of other nations, made such participation unattractive by keeping control in the Directing Council and requiring the Gorgas Memorial Institute to report to the United States Congress and to have its books audited by the United States Government. Usual usage would have the report made to the Directing Council and the audit made by a nominee of the Council.

It may well be that the difficult financial situation in the years following 1929 may have been the determining factor in preventing a greater participation of Latin American nations in the financing of the work of the Gorgas Memorial Laboratory. Thirty-five years later few will remember the impact of the economic crisis on the political life of Latin America; all of the governments of South America suffered upheavals, with the exception of Paraguay and Venezuela. Even in the United States this was a period of severe retrenchment.

Fortunately, the Act authorizing a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory of May 7, 1928 was amended by PL 339 (83rd Congress, 2nd Session) of April 19, 1954, making it much more acceptable as the basis for true international collaboration.

The stipulations regarding the limitations on and the pro rata nature of contributions and of representation of Latin American nations were rescinded; also rescinded was the stipulation regarding U.S. representation on the Directing Council.

In their place, the following was enacted:

"...and (2) that the said Gorgas Memorial Institute be, and it is hereby, authorized within its discretion, henceforth to accept from any of the Latin American Governments, or from any other sources, any funds which may be offered or given for the use of the Gorgas Memorial Institute for the maintenance and operation of the Gorgas Memorial Laboratory, and for carrying on the work of said Laboratory wherever deemed by the said Institute to be necessary or desirable."

In 1953 (October 9), six months before the liberalization of the U.S. legislation relating to Latin American participation, the Bureau of the Budget, considering the Gorgas Memorial Laboratory as a national rather than an international operation, took from the Department of State and assigned to the Department of Health, Education, and Welfare budgetary responsibility for contributions made by the United States to the Gorgas Memorial Institute for its support. This move, in effect, denied the continued participation of the Republic of Panama in the Gorgas Memorial Laboratory.

This action overlooked entirely the international origin of the Gorgas Memorial Institute itself and the conditions under which the Gorgas Memorial Laboratory was created; viz., the Gorgas Memorial Institute acted as an intermediary in a non-treaty agreement through which the Governments of Panama and of the United States collaborate through the Gorgas Memorial Laboratory in research on tropical diseases to memorialize for future generations the life and work of General Gorgas. This action also left out of consideration the terms of the agreement between the Gorgas Memorial Institute and the Government of Panama under which the Gorgas Memorial Laboratory operates in that Republic.

At the time of this action, the State Department made clear its

interest in continued support of the Gorgas Memorial Laboratory by the United States; in a letter to the Secretary of Health, Education, and Welfare from the Secretary of State (December 2, 1953) are to be found the following statements:

"...my purpose in writing is to express the interest of the Department of State in the continued appropriation of funds for the maintenance of this organization...the Department of State desires to point out that there are involved in this matter important considerations affecting the international relations of this government.

"The Laboratory was established as a memorial to a great American, who, because of his major contribution to the realization of the trans-Isthmian Canal, is held in high esteem in Panama. The Canal Zone and the Panamanian Government have drawn freely upon and benefitted greatly from the work of the Laboratory, and the Panamanian Government always has followed the work and the development of the Laboratory with great interest.

"It has manifested this interest in donating to the Laboratory an appropriate building and valuable real estate in its capital city, together with various services. Its Ambassador to the United States, who is an ex-officio Director of the Gorgas Memorial Institute, has indicated to the Department of State on numerous occasions the desire of his Government for the continued maintenance of the Laboratory. The Panamanian view the Laboratory as a signal example of cooperation which benefits both nations and its discontinuance through lack of support would be widely interpreted in Panama as disinterest on the part of this Government in such cooperation.

"For these reasons the Department of State expects that (a) the independent identity of the Gorgas Memorial Institute and Laboratory will be maintained, including policy making functions; and (b) because the Department of State has the responsibility for determining the foreign relations aspects of the Laboratory and Institute, the Public Health Service will consult with the Department concerning requests for annual appropriations and any other legislation in connection with the Gorgas Memorial Laboratory."

In spite of this letter, the Department of Health, Education, and Welfare unilaterally appointed an ad hoc technical committee to determine whether the United States should continue to support the Gorgas Memorial Institute in its operation of the Gorgas Memorial Laboratory. Fortunately, a possible crisis was averted by the committee's recognition of the value

of the scientific work of the Gorgas Memorial Laboratory and the future potential of its strategic position.

During the past decade the Gorgas Memorial Laboratory has been modernized in keeping with today's altered research needs; additional quarters have been provided in part by the United States and in part from private sources; salaries have been increased in line with scientific salaries elsewhere; and new fields of research have been added. The increased operating costs have been paid during the past two years in part from non-recurring private funds.

4. The Middle America Research Unit (MARU)

Some years ago, the United States, in spite of its interest in the Gorgas Memorial Laboratory, moved to create its own tropical disease research unit in Panama. On October 16, 1957, the Secretary of the Army, the Governor of the Canal Zone, and the Surgeon General of the Public Health Service signed an agreement authorizing the National Institutes of Health of the United States Public Health Service (NIH) to establish in the Canal Zone a field party for the study of tropical diseases.

This action was taken because the National Institutes of Health, in collaboration with the Walter Reed Army Institute of Research, the Naval Medical Research Institute, the Research Division of the Bureau of Medicine and Surgery of the Department of the Navy, the Research and Development Division of the Office of the Surgeon General of the Department of the Army, the Canal Zone Government, and possibly other agencies of the Government of the United States, was desirous of establishing in the Canal Zone a field research party for the study of tropical diseases.

The initial agreement was for a three-year period, with provision for evaluation at the end of the second year to determine whether the project should become permanent or not.

The action was taken at a time when the Gorgas Memorial Laboratory was struggling to improve its physical installations and its technical staff to meet the demands of modern research, particularly in the virus field; it was taken three years after the National Institutes of Health became responsible for the defense of the Gorgas Memorial Laboratory budget before the Congress.

The pre-empting of collaboration with all of the agencies mentioned by the National Institutes of Health came in the face of previous collaboration of the United States Army and the United States Navy in tropical disease research with the Gorgas Memorial Laboratory.

The field research party was established without due consultation with the State Department since, although located in the Canal Zone under the American flag, its designation, Middle America Research Unit, declares its international objectives.

In accord with the initial agreement, an ad hoc Committee for the Evaluation of MARU was appointed in 1959. This Committee recommended the continuation of MARU for an indefinite period. Additional recommendations included:

- i. That, in view of the increasing anti-United States sentiment in the Republic of Panama, steps be taken to secure the provision of suitable quarters in the Canal Zone for all MARU personnel;

- ii. That a joint scientific advisory board for the MARU and the Gorgas Memorial Laboratory (GML) be established to delineate areas of

research interest and maintain productive relations between these organizations; and

iii. That the NIH/Pan American Sanitary Bureau (PASB) agreement on MARU be revised.

In accord with the recommendation for continuation of MARU, the Secretary of Health, Education, and Welfare requested, in 1960, the concurrence of the Director of the Bureau of the Budget of the designation of the Middle America Research Unit of the National Institutes of Health as a permanent research facility of the Public Health Service. The Bureau of the Budget concurred but assumed that the Secretary of Health, Education, and Welfare would seek the advice of the Department of State with respect to any relevant foreign policy implications of this action. No record of consultation with the Department of State has been found.

The recommendation that the personnel of MARU should all be housed in the Canal Zone serves but to emphasize the difficulties encountered by official agencies of one government attempting to operate from a domestic base in other countries. (The success of the Naval Medical Research Units in Egypt and in Taiwan has been possible because these units were established in the countries concerned under agreements with those countries. There is no corresponding agreement with Panama and the other countries of Middle America covering MARU.)

In contrast to the MARU staff, the staff of the Gorgas Memorial Laboratory live in the Republic of Panama; they and the Laboratory itself were not molested during the anti-United States riots a year ago.

The proposal for a joint advisory board for MARU and GML brings into the open the difficulties of coexistence of the two agencies.

Although it has been repeatedly declared that there is no conflict in the programs of MARU and the Gorgas Memorial Laboratory, it is obvious that the MARU program is in conflict with what that of the Gorgas Memorial Laboratory should be.

The creation of a situation which led the Government of Panama to reserve the field of medical research in the Darien region for the Gorgas Memorial Laboratory is certainly not a healthy one. Obviously, the existence of MARU has complicated the relations between the Republic of Panama and the United States. Panama views the Gorgas Memorial Laboratory as part of the national scenery, an agency staffed in part by Panamanian scientists, and views MARU as unwarranted intrusion.

The reasons for the proposed revision of the NIH/PASB agreement are not apparent in the Committee's report; but it is obvious that MARU could operate more easily outside of the Canal Zone under the banner of the Pan American Sanitary Bureau than under the flag of the United States.

5. The Present Situation in Panama

The present situation merits an objective analysis. Such an analysis will show:

- i. That MARU exists as a 100 per cent United States operation, based in the Canal Zone over which the Republic of Panama claims sovereignty;
- ii. That MARU is limited to the Canal Zone except in so far as it operates through diplomatic channels, through the GML, or through the PASB;
- iii. That the Gorgas Memorial Laboratory now has the potential for becoming a powerful center of medical research and training in the American tropics;
- iv. That this potential is based on:

a) The charter of the Gorgas Memorial Institute of Tropical and Preventive Medicine, issued by the State of Delaware, duly registered and legalized in the Republic of Panama, establishes the functions of the Gorgas Memorial Institute as follows:

"To conduct, assist and encourage investigations in the sciences and arts of hygiene, medicine and surgery and allied subjects, in the nature and causes of disease and the methods of its prevention and treatment, and to make knowledge relating to these various subjects available for the protection of the health of the public and the improved treatment of disease and injury, particularly as applied to Tropical and Preventive Medicine. It shall be within the purposes of this corporation to use any means to those ends which from time to time shall seem to it expedient, including research, publication, education, the establishment and maintenance of charitable or benevolent activities, agencies or institutions appropriate thereto, and the aid of any other such activities, agencies or institutions already established or which may hereafter be established.

"The corporation shall have the power to acquire by grant, gift, purchase, devise or bequest, either absolutely or in trust, and to hold, mortgage, convey and dispose of such property, real or personal, situated or being within or without the State of Delaware, as the purposes of the corporation shall require, without limitation as to amount, location or value; to accept and administer any trust of property, real or personal, wherever situated, for any purpose within the objects of the corporation; and to prescribe by by-laws or otherwise the term and conditions upon which property, real or personal, shall be acquired or received by the said corporation.

"The corporation shall also have power to build, purchase, improve, enlarge, equip and maintain laboratories and other buildings within the Republic of Panama and elsewhere necessary or appropriate for its work; to own and operate land and buildings for the breeding, raising and keeping of plants and animals to be used for its purposes; to furnish treatment for diseases of man and of animals, and to provide and maintain all necessary equipment therefor; to conduct and assist such scientific experiments or investigations upon plants or animals as may be necessary or proper for carrying on its work of research; to appoint committees of experts to direct special lines of research; to aid, cooperate with, or endow other associations or corporations engaged in similar work within the Republic of Panama or elsewhere; to aid and cooperate with investigators in its own laboratories or elsewhere; to collect statistics and information, and to publish and distribute

documents, reports and periodicals; to carry on such educational work along the lines of its corporate purposes as it may deem wise; to provide for and furnish public instruction in hygiene, sanitation, and laws of health; to conduct lectures and hold meetings; to acquire and maintain a library; to erect and maintain museums; and in general to do and perform all things necessary or convenient for the promotion and the objects of corporation or any of them.

"To have offices, plants and places for carrying on and conducting its affairs and for fulfilling the objects of its organization, outside of the State of Delaware, and to carry on its business and affairs and to promote its objects without restrictions as to place or amount.

"To do any or all of the things herein set forth to the same extent as natural persons might or could do and in any part of the world, as principals, agents, contractors, trustees or otherwise, alone or in company with others."

b) The specific authorization in PL 339 of the 83rd Congress, amending PL 350 of the 70th Congress, which reads as follows:

"...and (2) that the said Gorgas Memorial Institute be, or it hereby is, authorized within its discretion, henceforth to accept from any of the Latin American Governments, or from any other sources, any funds which may be offered or given for the use of the Gorgas Memorial Institute for the maintenance and operation of the Gorgas Memorial Laboratory, and for carrying on the work of said Laboratory wherever deemed by the said Institute to be necessary or desirable."

c) Thirty-five years of peaceful cooperation with the authorities and people of Panama with the development of an international staff.

d) Recently constructed modern laboratory facilities and insectary.

e) Access to the wards of the Santo Tomás Hospital and to a number of beds specifically reserved for patients studied at the Gorgas Memorial Laboratory.

f) A fully qualified Director and the nucleus of a well qualified scientific staff experienced in tropical disease study and adapted to working in Panama.

g) Its strategic location on the Isthmus at a time when the southward extension of the Pan American Highway and plans for a new trans-Isthmian Canal emphasize the importance of continuing study of tropical diseases.

h) The cooperation of the six countries of the Isthmus during the past 15 years in the Institute of Nutrition of Central America and Panama (INCAP), which should make it relatively easy to develop similar multi-nation participation in research in tropical diseases through the Gorgas Memorial Laboratory already located in the region.

i) The facility of the Gorgas Memorial Institute, as a private corporation, to work with governments of many countries in the manner developed by the Rockefeller Foundation during its studies on and control of yellow fever.

It is obvious that there is need for research beyond the capacity of both MARU and the GML; it seems likely that a better situation might exist today had the United States found a way to channel the resources poured into MARU since 1957 into the earlier development of the GML. Today there is every reason for the Gorgas Memorial Institute to take the leadership in developing greater participation of the Republic of Panama and of the United States in the development of the Gorgas Memorial Laboratory, in such a way as to facilitate the participation of the National Institutes of Health and other United States agencies in tropical disease research while at the same time opening up neighboring countries for necessary expansion of the field of operations.